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**AMENDMENT TO H.R. 5658, AS REPORTED
OFFERED BY MR. DEFAZIO OF OREGON**

At the end of title VIII, add the following new section:

1 SEC. 849. MOTOR CARRIER FUEL SURCHARGES.

2 (a) PASS THROUGH AND DISCLOSURE.—Chapter 157
3 of title 10, United States Code, is amended by adding at
4 the end the following new section:

5 “§ 2652. Motor carrier fuel surcharges

6 “(a) PASS THROUGH TO COST BEARER.—The Sec-
7 retary of Defense shall require in all contracts of carriage
8 entered into by the Secretary that a motor carrier, broker,
9 or freight forwarder providing or arranging truck trans-
10 portation or service using fuel for which it does not bear
11 the cost pay to the person who bears the cost of such fuel
12 the amount of all charges that relate to the cost of fuel
13 that were invoiced or otherwise presented to the person
14 responsible directly to the motor carrier, broker, or freight
15 forwarder for payment for the transportation or service.

16 “(b) DISCLOSURE.—The Secretary shall require in a
17 contract described in subsection (a) that a motor carrier,
18 broker, or freight forwarder providing or arranging trans-
19 portation or service using fuel not paid for by it disclose

1 in writing to the person who bears the cost of fuel, at the
2 time the shipment is tendered, an itemized list specifically
3 identifying any freight charge, brokerage fee or commis-
4 sion, fuel surcharge or fuel adjustment, and any other
5 charges invoiced or otherwise presented to the person re-
6 sponsible directly to the motor carrier, broker, or freight
7 forwarder for payment for that transportation or service.

8 “(c) REGULATIONS.—The Secretary shall prescribe
9 regulations for the enforcement of this section. The regu-
10 lations shall include penalties and other sanctions nec-
11 essary to ensure enforcement of this section.”.

12 (b) CONFORMING AMENDMENT.—The table of sec-
13 tions at the beginning of such chapter is amended by add-
14 ing at the end the following: new item:

“2652. Motor carrier fuel surcharges.”.

